

Chapter 18.230 ENFORCEMENT

Sections:

18.230.010	Provisions of this Title Declared to be Minimum Requirements
18.230.020	Violation of Title Prohibited
18.230.030	Penalty
18.230.040	Complaints Regarding Violations
18.230.050	Inspection and Right of Entry
18.230.060	Abatement of Violations
18.230.070	Stop-Order Hearing

18.230.010 Provisions of this Title Declared to be Minimum Requirements

- A. Minimum requirements intended. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply. When the requirements of this title vary from other provisions of this title or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

18.230.020 Violation of Title Prohibited

- A. Violation of title prohibited. No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this title or any amendment thereto.

18.230.030 Penalty

- A. Class 1 penalty. A violation of this title shall constitute a Class 1 civil infraction which shall be processed according to the procedures established in Chapter 1.16 of this code, Civil Infractions.
- B. Each violation a separate infraction. Each violation of a separate provision of this title shall constitute a separate infraction, and each day that a violation of this title is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required. A finding of a violation of this title shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. “Responsible party” means the person responsible for curing or remedying a violation, which includes:
 - 1. The owner of the property, or the owner’s manager or agent or other person in control of the property on behalf of the owner;
 - 2. The person occupying the property, including bailee, lessee, tenant or other person having possession;

3. The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property. (Ord. 04-03)

18.230.040 Complaints Regarding Violations

- A. Filing written complaint. Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. File complaint with Director. Such complaints, stating fully the causes and basis thereof, shall be filed with the Director. The Director shall properly record such complaints, investigate and take action thereon as provided by this title.

18.230.050 Inspection and Right of Entry

- A. Right of entry. Whenever the Director has reasonable cause to suspect a violation of any provision of this chapter exists or when necessary to investigate an application for or revocation of any approval under any of the procedures described in this title, the Director may enter on any site or into any structure for the purpose of investigation, provided that no premises shall be entered without first attempting to obtain the consent of the owner or person in control of the premises if other than the owner.
- B. Search warrant. If consent cannot be obtained, the Director shall secure a search warrant from the City's municipal court before further attempts to gain entry, and shall have recourse to every other remedy provided by law to secure entry.

18.230.060 Abatement of Violations

- A. Abatement of violations. Any development or use which occurs contrary to the provisions of this title or contrary to any permit or approval issued or granted under this title is unlawful, and may be abated by appropriate proceedings.

18.230.070 Stop-Order Hearing

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Director may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. Stop-order hearing. The Director shall schedule a hearing if requested on the stop order for the soonest practicable date, but not more than seven (7) days after the effectiveness of any required notice. At the discretion of the Director, such hearing may be:
 1. Part of a hearing on revocation of the underlying permit or approval pursuant to Section 18.390.050; or
 2. Solely to determine whether a violation has occurred. The Hearings Officer shall hold this hearing and shall make written findings as to the violation within seven (7) days. Upon a finding of no violation, the Hearings Officer shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the Hearings Officer that the violation has been abated. The Hearings Officer's decision is subject to review under Section 18.390.060.■